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In re Application of
OOTAKE, et al.

Application No.: 10/562,817

PCT No.: PCT/JP04/09618

Int. Filing Date: 30 June 2004

Priority Date: 30 June 2003

Attorney Docket No.: 2005-2006A

For: ORGANOSILICON COMPOUND AND
PRODUCTION PROCESS FOR THE SAME,
AND POLYSILOXANE AND PRODUCTION
PROCESS FOR THE SAME

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Request For Corrected Filing Receipt" filed 05 May 2006 and again on 14 January 2008, requesting that the United States Patent and Trademark Office (USPTO) correct the 371(c) date for the above captioned application to 25 January 2006. The request is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 30 June 2004, applicant filed international application PCT/JP04/09618, which claimed a priority date of 30 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 January 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 December 2005.

On 30 December 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee.

On 25 January 2006, applicant filed an executed combined declaration and power of attorney.

On 04 April 2006, applicant was mailed a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) indicating a date of completion of all 35 U.S.C. 371 requirements of 30 December 2005.

On 05 May 2006, applicant filed the petition considered herein.

DISCUSSION

A review of the application filed finds that the last of the 35 U.S.C. 371 requirements was filed in the USPTO on 25 January 2006. As such, it is proper to **GRANT** applicant's petition at this time.

The application has an international filing date of 30 June 2004 under 35 U.S.C. 363 and will be given a date of **25 January 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) mailed 04 April 2006 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.



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